

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

**\*E-FILED - 7/22/11\***

DAVID R. CALLAWAY (CABN 121782)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6991  
Facsimile: (415) 436-7234  
E-mail: David.Callaway@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FU-TAIN LU, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 09-00341 RMW

STIPULATION TO CONTINUE DATE FOR  
STATUS/DISPOSITION;  
ORDER [ ]

Date: July 22, 2011  
Time: 9:00 a.m.

Before The Hon. Ronald M. Whyte

The United States and defendant Fu-Tain Lu and Fushine Technology, Inc., through their  
respective counsel, hereby agree and stipulate as follows:

**WHEREAS,**

The parties are in active discussions toward a resolution of this case short of trial, with a  
further meeting scheduled to occur on Wednesday, August 3, 2011, and therefore seek to continue  
the date set for status/disposition of this case until Monday, August 22, 2011. The parties remain  
highly confident that this case will be resolved short of trial.

The parties further agree that the time occasioned by this continuance should be excluded  
from the Speedy Trial Clock based on the need for effective defense preparation, taking into account

**STIPULATION AND ORDER**

the exercise of due diligence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

**IT IS THEREFORE STIPULATED AS FOLLOWS:**

The date for status/disposition of this matter should be continued from July 25, 2011 to **Monday, August 22, 2011**, at 9:00 a.m., before The Honorable Ronald M. Whyte. The time between those two dates, a total of 28 days, should be excluded from the Speedy Trial Clock for the reasons set forth above.

/s/

FRANK R. UBHAUS, ESQ.  
Counsel for Defendant Fu-Tain LU  
and Fushine Technology, Inc.  
DATE: July 22, 2011

MELINDA HAAG  
United States Attorney

/s/

DAVID R. CALLAWAY  
Counsel for Plaintiff  
DATE: July 22, 2011

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the date for status/disposition for the above-named defendants is continued from July 25, 2011, to **Monday, August 22, 2011, at 9:00 a.m.**, before The Honorable Ronald M. Whyte, United States District Judge.

IT IS FURTHER ORDERED that the time between July 25 and August 22, 2011, a total of 28 days, shall be excluded from the computation the period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in the Stipulation. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: 7/22/11

  
THE HON. RONALD M. WHYTE  
United States District Judge